

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:13-CV-181-F

PNC BANK,)
NATIONAL ASSOCIATION,)
Plaintiff,)
)
v.)
)
CARDINAL CLINIC, L.L.C.,)
CARDINAL OFFICE)
PROPERTIES, L.L.C.,)
WILLIAM P. KEETON, III,)
and THEODORE W. LANE,)
Defendants.)

ORDER

This matter is before the court on the failure of Plaintiff, PNC Bank, National Association, to file a response to the court's November 7, 2013 Order [DE-20].

In that order, the court had directed Plaintiff to file supplemental briefing explaining why allowing the Motions for Default Judgment [DE-16; DE-17] against Defendants Cardinal Clinic, LLC and Cardinal Office Properties, LLC, was appropriate in light of the Fourth Circuit's interpretation of *Frow v. De La Vega*, 82 U.S. (15 Wall.) 552, 21 L.Ed. 60 (1872) and the application of Rule 54 of the Federal Rules of Civil Procedure. The court also stated that if, alternatively, Plaintiff determined that the Fourth Circuit's interpretation of *Frow* precluded the entry of default judgment against the remaining defendants, it should file a notice so stating.

Plaintiff failed to file either supplemental briefing or a notice. Accordingly, the Motions for Default Judgment[DE-16; DE-17] are DENIED without prejudice to renew within 45 days. Any renewed motion for default judgment should address why entry of default judgment is appropriate

in light of the Fourth Circuit's interpretation of *Frow v. De La Vega*, 82 U.S. (15 Wall.) 552, 21 L.Ed. 60 (1872) and the application of Rule 54 of the Federal Rules of Civil Procedure.

SO ORDERED.

This the 14th day of January, 2014.

James C. Fox
JAMES C. FOX
Senior United States District Judge